

Michael F. Wright (Bar No. 89910)
Armen Tamzarian (Bar No. 180778)
CASE, KNOWLSON, JORDAN & WRIGHT LLP
2029 Century Park East, Suite 2500
Los Angeles, California 90067
Telephone: (310) 552-2766
Facsimile: (310) 552-3229

Attorneys for Plaintiffs

BRUCE A. BEHRENS, Chief Counsel
RONALD W. BEALS, Assistant Chief Counsel
JOHN K. HOXIE (Bar No. 162434)
NAVTEJ S. BASSI (Bar No. 188406)

Attorneys for Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA STATE OUTDOOR
ADVERTISING ASSOCIATION,
INC., et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

Case No.: 2:05-CV-00599-FCD-DAD

STIPULATION and ORDER TO (1)
GRANT MOTION; (2) VACATE ORDER
TO SHOW CAUSE RE: SANCTIONS;
AND (3) DISMISS CLAIMS OF
PLAINTIFF HEYWOOD COMPANY
OUTDOOR

“AS MODIFIED”

Date: January 13, 2006

Time: 10:00 a.m.

Judge: Courtroom 2

Hon. Frank C. Damrell, Jr.

///

///

///

///

///

///

///

Plaintiffs and Defendants, through their respective counsel, enter into this stipulation with reference to the following:

A. Plaintiffs have filed a motion (the “Motion”) to substitute as real parties in interest Van Wagner/Goodman, LLC, a California limited liability company and Van Wagner Communications, LLC, a New York limited liability company for plaintiff Van Wagner Communications, a New York corporation.

B. The Motion is made on the following grounds:

1. Van Wagner/Goodman, LLC and Van Wagner Communications, LLC are real parties in interest under Federal Rule of Civil Procedure 17(a); and

2. Van Wagner Communications, Inc. was erroneously named as the plaintiff the Complaint and First Amended Complaint instead of the real parties in interest.

C. Defendants do not oppose the Motion.

D. The hearing on the Motion was originally set for December 16, 2005.

E. On or about December 12, 2005, the Court issued an Order to Show Cause (“OSC”) to Defendants’ counsel as to why they should not be sanctioned in amount of \$150 for failing to file an opposition or notice of non-opposition to the Motion.

F. The Court also continued the hearing on the Motion to January 13, 2006, at 10:00 a.m.

G. Plaintiff Heywood Company Outdoor has merged out of existence and its former principal has passed away.

WHEREFORE, with permission of the Court, Plaintiffs and Defendants stipulate and respectfully request that the Court order the following:

1. The Motion is granted and the hearing set for 1/13/06 is VACATED;

2. Van Wagner/Goodman, LLC, a California limited liability company and Van Wagner Communications, LLC, a New York limited liability company shall be plaintiffs in this action;

3. Van Wagner Communications, a New York corporation, is no longer a plaintiff in this action;

4. The OSC is DISCHARGED and the hearing is vacated ;

5. All claims of plaintiff Heywood Company Outdoor shall be dismissed without prejudice; and

6. Defendants shall not recover costs or attorney's fees related to the filing of this action by plaintiff Heywood Company Outdoor.

Dated: December 13, 2005

CASE, KNOWLSON, JORDAN & WRIGHT LLP
Michael F. Wright
Armen Tamzarian

By: _____
Michael Wright
Attorneys for Plaintiffs

Dated: December 13, 2005

BRUCE BEHRENS, Chief Counsel
RONALD W. BEALS, Assistant Chief Counsel
JOHN K. HOXIE (Bar No. 162434)
NAVTEJ. S. BASSI (Bar No. 188406)

By: _____
Navtej Bassi
Attorneys for Defendants

IT IS SO ORDERED

DATED: December 16, 2005

/s/ Frank C. Damrell Jr. _____
United States District Judge